

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

EDGARDO R. LAUREL, M.D.

Holder of License No. 21887
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-13-1215A

**ORDER FOR DECREE OF CENSURE
AND PROBATION AND CONSENT TO
THE SAME**

Edgardo R. Laurel, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Decree of Censure and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 21887 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-13-1215A after receiving notification from Respondent that he was recently hospitalized for possible stroke, encephalopathy, sleep deprivation, and exhaustion. Additionally, Respondent's urine tested positive for opiates and benzodiazepines which he obtained by using his partners' DEA number.

4. Respondent fraudulently prescribed controlled substances to himself by using three of his partners' DEA numbers.

5. Respondent obtained the controlled substances by cycling through pharmacies in order to avoid detection. Respondent additionally admitted to writing all of the prescriptions including non-controlled substances.

1 6. At the conclusion of an interview with Board staff, Respondent entered into a
2 non-disciplinary Interim Practice Limitation and was referred to the Board's Physician
3 Health Program (PHP) for a health assessment.

4 7. On October 30, 2013, the PHP contractor reported that Respondent was
5 unsafe to Practice and recommended that he undergo a minimum of 30 days of treatment.

6 8. On December 17, 2013, the PHP contractor reported that Respondent
7 successfully completed treatment and was safe to practice medicine while participating in
8 PHP for a minimum of five years.

9 9. On January 8, 2014, Respondent entered into an Interim Consent
10 Agreement for PHP Participation, and the Interim Practice Limitation was vacated. Board
11 staff reports that Respondent is currently in compliance with the terms and conditions of
12 the Interim PHP Order.

13 CONCLUSIONS OF LAW

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol
18 or habitual substance abuse.").

19 3. The conduct and circumstances described above constitute unprofessional
20 conduct pursuant to A.R.S. § 32-1401 (27)(g) ("[u]sing controlled substances except if
21 prescribed by another physician for use during a prescribed course of treatment.").

22 4. The conduct and circumstances described above constitute unprofessional
23 conduct pursuant to A.R.S. § 32-1401 (27)(t) ("[k]nowingly making any false or fraudulent
24 statement, written or oral, in connection with the practice of medicine or if applying for
25 privileges or renewing an application for privileges at a health care institution.").

1 ORDER

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Decree of Censure.

4 2. Respondent's license is placed on Probation for **five years** and is subject to
5 his continued participation¹ in the Board's Physician Health Program ("PHP") and
6 compliance with the following terms and conditions:

7 A. No Alcohol or Poppy Seeds. Respondent shall not consume alcohol
8 or any food or other substance containing poppy seeds or alcohol. Respondent shall not
9 take any illegal drugs or mood altering medications.

10 B. Relapse Prevention Group. Respondent shall attend the PHP's
11 relapse prevention group therapy sessions one time per week for the duration of this
12 Order, unless excused by the relapse prevention group facilitator for good cause.
13 Individual relapse therapy may be substituted for one or more of the group therapy
14 sessions, if PHP pre-approves substitution. The relapse prevention group facilitators or
15 individual relapse prevention therapist shall submit monthly reports to the PHP regarding
16 attendance and progress.

17 C. If requested by the PHP, Respondent shall successfully complete a
18 PHP approved 72 hour alcohol/drug awareness education class.

19 D. 12 Step or Self-Help Group Meetings. If requested by the PHP,
20 Respondent shall attend ninety 12-step meetings or other self-help group meetings
21 appropriate for substance abuse and approved by the PHP, for a period of ninety days.
22 Upon completion of the ninety meetings in ninety days, Respondent shall participate in a
23 12-step recovery program or other self-help program appropriate for substance abuse as
24

25 ¹ Respondent's PHP participation is retroactive to January 8, 2014.

recommended by the PHP. Respondent shall attend a minimum of three 12-step or other self-help program meetings per week. Two meetings per month must be Caduceus meetings. Respondent must maintain a log of all self-help meetings.

E. **Approved Primary Care Physician.** Respondent shall promptly obtain a primary care physician ("PCP") and shall submit the name of the physician to the PHP in writing for approval. The approved PCP shall be in charge of providing and coordinating Respondent's medical care and treatment. Except in an Emergency, Respondent shall obtain medical care and treatment only from the PCP and from health care providers to whom the PCP refers Respondent. Respondent shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all other health care providers who provide medical care or treatment that Respondent is participating in PHP. "Emergency" means a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life.

F. **Medication.** All prescriptions for controlled substances shall be approved by the PHP prior to being filled except in an Emergency. Controlled substances prescribed and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall take no Medication unless the PCP or other health care provider to whom the PCP refers Respondent prescribes and the PHP approves the Medication. Respondent shall not self-prescribe any Medication. "Medication" means a prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. Respondent shall submit to random biological fluid, hair and nail testing for two years from the date of this Order (as specifically directed below) to ensure compliance with PHP.

G. On a monthly basis, Respondent shall submit a report to the Board from the Controlled Substances Prescription Monitoring Program ("CSPMP") regarding his

1 prescribing and what he is being prescribed. The Board shall provide the CSPMP monthly
2 reports to the PHP. After one year, Respondent may request that the Board terminate this
3 requirement. The request must be accompanied by a favorable recommendation from the
4 PHP.

5 H. **Biological Fluid, Hair and Nail Collection**. Respondent shall provide
6 the PHP in writing with one telephone number that shall be used to contact Respondent on
7 a 24 hour per day/seven day per week basis to submit to biological fluid, hair and nail
8 testing to ensure compliance with PHP. For the purposes of this section, telephonic notice
9 shall be deemed given at the time a message to appear is left at the contact telephone
10 number provided by Respondent. Respondent authorizes any person or organization
11 conducting tests on the collected samples to provide testing results to the PHP.
12 Respondent shall comply with all requirements for biological fluid, hair and nail collection.
13 Respondent shall pay for all costs for the testing.

14 I. **Out of State Travel and/or Unavailability at Home/Office**
15 **Telephone Number**. Respondent shall provide the PHP with written notice of any plans to
16 travel out of state.

17 J. **Address and Phone Changes, Notice**. Respondent shall
18 immediately notify the Board and the PHP in writing of any change in office or home
19 addresses and telephone numbers.

20 K. **Release of Information**. Respondent provides full consent for the
21 PHP to discuss the Respondent's case with the Respondent's PCP or any other health
22 care providers to ensure compliance with PHP.

23 L. **Direct Relationship**. The relationship between the Respondent and
24 the PHP is a direct relationship. Respondent shall not use an attorney or other
25 intermediary to communicate with the PHP on participation and compliance issues.

1 M. **Payment for Services.** Respondent shall be responsible for all costs,
2 including PHP costs associated with participating in PHP at the time service is rendered,
3 or within 30 days of each invoice sent to the Respondent. An initial deposit of two months
4 PHP fees is due upon entering the program. Failure to pay either the initial PHP deposit or
5 monthly fees 60 days after invoicing will be reported to the Board by the PHP and may
6 result in disciplinary action up to and including license revocation.

7 N. **Notice Requirements.** Respondent shall immediately provide a copy
8 of this Order to all employers, hospitals and free standing surgery centers where
9 Respondent currently has or in the future gains employment or privileges. Within 30 days
10 of the date of this Order, Respondent shall provide the PHP with a signed statement of
11 compliance with this notification requirement. Respondent is further required to notify, in
12 writing, all employers, hospitals and free standing surgery centers where Respondent
13 currently has or in the future gains employment or privileges, of a chemical dependency
14 relapse or violation of this Order.

15 O. **Out-of-State.** In the event Respondent resides or practices in a state
16 other than Arizona, Respondent shall participate in the rehabilitation program sponsored
17 by that state's medical licensing authority or medical society. Respondent shall cause the
18 monitoring state's program to provide written quarterly reports to the PHP regarding
19 Respondent's attendance, participation, and monitoring. The monitoring state's program
20 and Respondent shall immediately notify the PHP if Respondent: a) is non-compliant with
21 any aspect of the monitoring requirements; b) relapses; c) tests positive for controlled
22 substances; d) has low specific gravity urine drug test(s), missed and/or late urine drug
23 tests, or otherwise rejected urine drug tests; and e) is required to undergo any additional
24 treatment.

1 P. The PHP shall immediately notify the Board if Respondent: a) is non-
2 compliant with any aspect of this Order; b) relapses; c) tests positive for controlled
3 substances; d) has low specific gravity urine drug test(s), missed and/or late urine drug
4 tests, or otherwise rejected urine drug tests; and e) is required to undergo any additional
5 treatment.

6 Q. **Relapse, Violation.** In the event of chemical dependency relapse by
7 Respondent or Respondent's use of drugs or alcohol in violation of this Order, Respondent
8 shall promptly enter into an Interim Order for Practice Restriction and Consent to the
9 Same that requires, among other things, that Respondent not practice medicine until such
10 time as Respondent successfully completes long-term inpatient treatment for chemical
11 dependency designated by the PHP Contractor and obtains affirmative approval from the
12 Board or its Executive Director to return to the practice of medicine. Prior to approving
13 Respondent's request to return to the practice of medicine, Respondent may be required
14 to submit to witnessed biological fluid collection or undergo any combination of physical
15 examination, psychiatric or psychological evaluation. In no respect shall the terms of this
16 paragraph restrict the Board's authority to initiate and take disciplinary action for violation
17 of this Order.

18 R. **Obey All Laws.** Respondent shall obey all federal, state and local
19 laws, and all rules governing the practice of medicine in the State of Arizona.

20 S. **Interviews.** Respondent shall appear in person before the Board
21 and/or its staff and PHP for interviews upon request, with reasonable notice.

22 T. This Order supersedes all previous consent agreements and
23 stipulations between the Board and/or the Executive Director and Respondent.

24 V. The Board retains jurisdiction and may initiate new action based upon
25 any violation of this Order.

1 DATED AND EFFECTIVE this 3rd day of December, 2014.

2 ARIZONA MEDICAL BOARD

3
4 By Patricia E. McSorley
5 Patricia E. McSorley
6 Interim Acting Executive Director

7 **CONSENT TO ENTRY OF ORDER**

8 1. Respondent has read and understands this Consent Agreement and the
9 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
10 acknowledges he has the right to consult with legal counsel regarding this matter.

11 2. Respondent acknowledges and agrees that this Order is entered into freely
12 and voluntarily and that no promise was made or coercion used to induce such entry.

13 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
14 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
15 this Order in its entirety as issued by the Board, and waives any other cause of action
16 related thereto or arising from said Order.

17 4. The Order is not effective until approved by the Board and signed by its
18 Executive Director.

19 5. All admissions made by Respondent are solely for final disposition of this
20 matter and any subsequent related administrative proceedings or civil litigation involving
21 the Board and Respondent. Therefore, said admissions by Respondent are not intended
22 or made for any other use, such as in the context of another state or federal government
23 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
24 any other state or federal court.

25 6. Upon signing this agreement, and returning this document (or a copy thereof)
to the Board's Executive Director, Respondent may not revoke the consent to the entry of

1 the Order. Respondent may not make any modifications to the document. Any
2 modifications to this original document are ineffective and void unless mutually approved
3 by the parties.

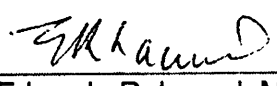
4 7. This Order is a public record that will be publicly disseminated as a formal
5 disciplinary action of the Board and will be reported to the National Practitioner's Data
6 Bank and on the Board's web site as a disciplinary action.

7 8. If any part of the Order is later declared void or otherwise unenforceable, the
8 remainder of the Order in its entirety shall remain in force and effect.

9 9. If the Board does not adopt this Order, Respondent will not assert as a
10 defense that the Board's consideration of the Order constitutes bias, prejudice,
11 prejudgment or other similar defense.

12 10. Any violation of this Order constitutes unprofessional conduct and may result
13 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
14 consent agreement or stipulation issued or entered into by the board or its executive
15 director under this chapter") and 32-1451.

16 **11. Respondent has read and understands the conditions of probation.**

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18 
19 _____
Edgardo R. Laurel, M.D.

DATED: 10/20/2014

20
21 EXECUTED COPY of the foregoing mailed
22 this 3rd day of December, 2014 to:

23 Paul J. Giancola
24 Snell & Wilmer, LLP
25 400 E. Van Buren
Phoenix AZ 85004-2202
Attorney for Respondent

1 Greenberg and Sucher, PC
2 Address of Record

3 ORIGINAL of the foregoing filed
4 this 3rd day of December, 2014 with:

5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

8 
9 Arizona Medical Board Staff